

Virginia Department of Social Services

Increasing Permanency for Children in Through Kinship Care

Footnotes on Best Practices and Barriers

Commission on Youth Presentation
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In 2003 the Virginia Department of Social Services (VDSS) initiated an action plan to enhance support to kinship families as an avenue for improving family continuity for children and reducing reliance on the overburdened child welfare system. Relative placement promotes timely reunification, and placement stability, as children placed with relatives experience fewer placement disruptions than children placed with non-related foster parents.

Welfare Reform (Personal Responsibility & Work Opportunity Reconciliation Act of 1996) and the Child and Family Services Review (CFSR), 2003 were federal mandates which appear to have been the impetus for VDSS to initiate an action plan. Under Temporary Assistance to Needy Families (TANF), state's had greater flexibility to set program eligibility and there were some TANF funds under "maintenance of effort" that could be applied to new programs at the state's discretion. The CFSR Permanency Outcome 2 requires states to act to assure "the continuity of family relationships and connections is preserved for children."

Laws

Prior to 2003, Virginia law and policies gave priority to placing children with relatives if it is in the child's best interest. Virginia *Code*:

- §16.1-251(C), Emergency Removal Order
- §16.1-252 (F1), Preliminary Removal Order
- §16.1-278.2, Abused & Neglected...
- §16.1-281, Foster Care Plan...

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+16.1-251>

Five Year -Foster Care Population Comparison	
SFY	FC # Children in Care/June 30
2011	5,085
2010	5,643
2009	6,424
2008	7,764
2007	8,173

Children in Family Foster Care Year-to-Date 2012 (Source VCWOR)	
Exit Reason	# of Clients Foster Care Kinship/Relative
Reunification	59
Custody Transfer to Another Relative	152
Emancipation	11
N/A Currently In Care	318
Total	540

Time limit on the receipt of Temporary Assistance to Needy Families (TANF) Code § 63.2-612. TANF changes enacted in the 2008 session of the General Assembly support kinship care. Legislation was enacted amending Code § 63.2-612 to allow a child who is in a 24-month period of TANF ineligibility to regain eligibility (TANF Child-Only). The 24-month period of ineligibility shall not apply when a child is removed from the parents' home as the result of a child protective services report or complaint as defined in regulations promulgated by the Board and is placed with a relative. In such cases, the relative with whom the child is placed shall be eligible to receive TANF financial assistance immediately and without waiting for the 24-month period of ineligibility to run. [VDSS has no data to show the impact of this legislative change on the targeted group.]

Best Practices

Relative Searches using Accurint

VDSS has contracted with LexisNexis to provide a search tool called Accurint to all local departments of social services. Accurint was designed to find family members and other interested adults as a resource to children/youth connected with the child welfare system.

Family Partnership Meetings

Family engagement is a relationship focused approach that provides structure for decision making and that empowers both the family and the community in the decision making process. Meetings are held for all decisions involving prevention of placement in very high and high risk CPS families, prior to a child's removal from a birth or adoptive family, prior to a change of placement, and prior to a change of goal. Family Partnership Meetings can be convened at any time in the process of service provision. They may be requested by the birth, foster or adoptive family, legal guardian, or by agency staff.

Prevention Services

Agencies are focusing more on prevention services, creating new units/staff positions. The goal of Prevention Services is to strengthen families by insuring the safety, permanency and well-being of its children. These services are designed to (i) prevent the occurrence (or reoccurrence) of child abuse/neglect from any caretaker and (ii) prevent out of home care (including the prevention of foster care). Now that there is increased acceptance of working with relatives and increased use of relative foster parents, agencies are searching for family earlier.

Type of services that are provided in diversion cases:

- Referral for services to providers outside agency
- Referral for services within your agency
- Case management
- Child Care
- Transfer of school as necessary
- Court ordered monitoring
- Therapeutic respite services
- Kids Help Program

Barriers

Barrier Crimes (Virginia Code § 63.2-1719)

Local Departments of Social Services have expressed concern over the extensive array of offenses in the Code of Virginia that prohibit individuals from being approved as resource, foster, or adoptive parents. Of particular concern is the lack of a waiver process for relatives who may have a barrier crime in their history but appear to pose no threat of harm. VDSS does not have any data that could be used to evaluate the impact of denials because of barrier crimes.

Relative Notification (Fostering Connections Act, 2008, Sec 103)

The Act requires that within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence.

Code of Virginia §§ 63.2-104 and 63.2-105 provide the statutory framework for collecting and maintaining information gathered during a CPS investigation and related proceedings and for the release of such information and to whom it may be released. Persons identified in the Code who may receive information in the course of a CPS investigation are a parent, grandparent, or any other person when such parent, grandparent, or any other person would be considered by the local department as a potential caretaker of the child in the event the local department has to remove the child from the custodian. When an LDSS exercises its discretion to release confidential information to any person who meets one or more of the criteria set forth, the LDSS shall be presumed to have exercised its discretion in a reasonable and lawful manner as noted in Code of Virginia § 63.2-105.

Question: How broadly can discretionary release of confidential information be interpreted in the requirement to notify “all” relatives?

TANF Benefits vs. Foster Care Benefits

For a child living with a relative caretaker, TANF Child Only benefits maybe available. TANF benefits for a child are significantly different than benefits for a child in foster care. The average monthly rate for Title IV-E foster care is \$571 per month and the average monthly rate for TANF benefit for a child is \$186 per month. The average maximum allowable for TANF (regardless of the number of eligible children in the household) is \$497. If there could ever be more flexibility in the payment/benefits under TANF Child-Only, it would help in diverting children from Foster Care. TANF Child-Only benefit payments work well when it is a single child, but for two or more children, the dollar amount is just too small to absorb the cost of raising children.

Relative Definition

A broader definition for relative could be considered. For example, “A relative includes anyone related to the child by blood, marriage, adoption or anyone with a significant existing relationship with the child.”

Rationale: A broad definition for relative will allow the state to potentially reduce the number of children in Foster Care with Permanent Foster Care as a goal.